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Permanent Forum on Indigenous Issues

Report on the sixth session (14-25 May 2007)

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions recommended by the Permanent Forum for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I
International expert group meeting on indigenous languages

The Economic and Social Council decides to authorize a three-day international expert group meeting on indigenous languages and requests that the results of the meeting be reported to the Permanent Forum at its seventh session.

Draft decision II
Venue and dates of the seventh session of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides that the seventh session of the Permanent Forum on Indigenous Issues shall be held at United Nations Headquarters in New York from 21 April to 2 May 2008.

Draft decision III
Provisional agenda and documentation for the seventh session of the Permanent Forum on Indigenous Issues

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Special theme: "Climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges".
4. Implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals:
   (a) Economic and social development;
   (b) Environment;
   (c) Health;
   (d) Education;
   (e) Culture;
   (f) Human rights.
5. Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs.
6. Half-day discussion on the Pacific.

7. Half-day discussion on indigenous languages.

8. Ongoing priorities and themes and follow-up:

   (a) Indigenous children and youth;

   (b) Second International Decade of the World's Indigenous People;

   (c) Urban indigenous peoples and migration.

9. Future work of the Permanent Forum, including emerging issues.

10. Draft agenda for the eighth session of the Permanent Forum.

11. Adoption of the report of the Permanent Forum on its seventh session.

B. Matters brought to the attention of the Council

2. The Permanent Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

3. It is the understanding of the Secretariat that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

Recommendations of the Permanent Forum

Special theme: "Territories, lands and natural resources"

4. The elements of the special theme of the Permanent Forum for its sixth session, "Territories, lands and natural resources", are of fundamental importance to indigenous peoples since they constitute the basis of their life, existence and economic livelihood, and are the sources of their spiritual, cultural and social identity.

5. Land is the foundation of the lives and cultures of indigenous peoples all over the world. This is why the protection of their right to lands, territories and natural resources is a key demand of the international indigenous peoples' movement and of indigenous peoples and organizations everywhere. It is also clear that most local and national indigenous peoples' movements have emerged from struggles against policies and actions that have undermined and discriminated against their customary land tenure and resource management systems, expropriated their lands, extracted their resources without their consent and led to their displacement and dispossession from their territories. Without access to and respect for their rights over their lands, territories and natural resources, the survival of indigenous peoples' particular distinct cultures is threatened.

6. Land rights, access to land and control over it and its resources are central to indigenous peoples throughout the world, and they depend on such rights and access for their material and cultural survival. In order to survive as distinct peoples,

indigenous peoples and their communities need to be able to own, conserve and manage their territories, lands and resources.

7. The Permanent Forum recognizes the fundamental importance of indigenous peoples' security of land use and access and the importance of land rights for broader processes of poverty reduction, good governance and conflict prevention and resolution.

8. The Permanent Forum strongly urges the General Assembly to adopt the United Nations Declaration on the Rights of Indigenous Peoples.[1]

9. It is against this background that the Permanent Forum strongly believes that the following principles should underpin the administration and regulation of lands, territories and natural resources of indigenous peoples. We also reiterate all the relevant articles in the United Nations Declaration on the Rights of Indigenous Peoples, which include but are not limited to the following:

(a) That indigenous peoples are entitled to effectively participate in drafting policies and laws related to resources management and development processes. It is well established that effective participation includes the right to receive information and communications in language that the relevant indigenous peoples use and understand (article 14);

(b) That indigenous peoples have a central role in decision-making and implementation of lands and resources-related projects. Such projects shall not be implemented without the free, prior and informed consent of indigenous peoples (article 28);

(c) That indigenous peoples shall have a central role in the dispute-solving arrangements over lands, territories and natural resources (article 26);

(d) That States have an obligation to protect the lands, territories and natural resources of indigenous peoples from infringement by any institution, company or individual. There must be penalties for those who carry out harmful activities on indigenous peoples' lands and territories. Indigenous peoples shall be entitled to compensation for such activities (article 30);

(e) That States have the obligation, in cooperation with indigenous peoples, to identify the lands indigenous peoples traditionally use and occupy and to provide specific legal protection for the rights of ownership over those lands in accordance with indigenous customs and laws (article 26, para. 3).

10. The Permanent Forum endorses the conclusions and recommendations contained in the report on the expert seminar on indigenous peoples' permanent sovereignty over natural resources and their relationship to land.[2] The Permanent Forum endorses the two studies by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Erica-Irene A. Daes, on indigenous peoples and their relationship to land[3] and on indigenous peoples' permanent sovereignty over natural resources[4] and recommends that those studies be widely disseminated.

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[1] As adopted by the Human Rights Council in its resolution 2006/2 of 29 June 2006.

[2] E/CN.4/Sub.2/AC.4/2006/3.

[3] E/CN.4/Sub.2/2001/21.

[4] E/CN.4/Sub.2/2004/30 and Add.1.

11. The Permanent Forum appoints Ms. Victoria Tauli-Corpuz and Mr. Pavel Sulyandziga as special rapporteurs to elaborate papers on indigenous peoples and relevant thematic issues relating to sustainable development (for example, sustainable agriculture, land, rural development, drought and desertification), for consideration by the Commission on Sustainable Development and for the submission of its reports to the Secretary-General and to represent the Permanent Forum in the Commission's interactive dialogues with United Nations agencies. The Commission is urged to invite a member of the Permanent Forum to attend its annual sessions.

12. The Permanent Forum reiterates its recommendation, contained in its report on its fifth session,[5] calling upon donor agencies to provide support for the representation and participation of indigenous peoples at the sessions of the Commission on Sustainable Development. The Permanent Forum calls upon the Partnership for Indigenous Peoples and Environment, which was launched in 2003, to take the lead in revitalizing the effective participation of indigenous peoples at the sixteenth session of the Commission and future meetings by, inter alia, organizing national and regional preparatory meetings, side-events, partnership fair activities and other learning and action events.

13. The Permanent Forum expresses its appreciation to Special Rapporteurs, Ms. Victoria Tauli-Corpuz and Mr. Parshuram Tamang for their report entitled "Oil palm and other commercial tree plantations, monocropping: impacts on indigenous peoples' land tenure and resource management systems and livelihoods".[6] The Permanent Forum recommends that further analysis be undertaken to include information received and gathered from Governments, the logging and plantation sectors and their networks, indigenous peoples, non-governmental organizations and intergovernmental bodies, including the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Forum on Forests. The Permanent Forum reappoints Ms. Tauli-Corpuz to continue as the Special Rapporteur to draft the follow-up report, using existing resources, to be presented at the 2008 session of the Permanent Forum.

14. The Permanent Forum requests its secretariat to ensure wide circulation of the above-mentioned report and invites States, members of the Inter-Agency Support Group on Indigenous Issues, non-governmental organizations and the private sector, the secretariats of the United Nations Forum on Forests and the United Nations Framework Convention on Climate Change to provide comments and additional information and data to both the Special Rapporteur and the secretariat of the Permanent Forum. The contributions can include existing policies, projects and funding related to plantations and forestry, implementation of policies and case studies of good practices.

15. The Permanent Forum endorses the conclusions and recommendations of the first Expert Seminar on Treaties, Agreements and other Constructive Arrangements between States and Indigenous Peoples, hosted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva from 15 to 17 December 2003.

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[5] *Official Records of the Economic and Social Council, 2006, Supplement No. 23* (E/2006/43), chap. I.B, para. 133.

[6] E/C.19/2007/CRP.6 (English only).

16. The Permanent Forum endorses the conclusions and recommendations of the second Expert Seminar on Treaties, Agreements and Constructive Arrangements hosted by OHCHR and the Maskwacîs Cree First Nations in Treaty 6 Territory, held in Hobbema, Canada, from 14 to 17 November 2006.

17. The Permanent Forum recognizes that past and present generations of indigenous peoples have been disproportionately affected by international nuclear and power industries. The nuclear fuel chain, which has poisoned indigenous peoples and their lands and waters, threatens the existence of future generations, and nuclear energy development and international agreements often violate indigenous peoples' rights and endanger their cultures and physical and spiritual well-being.

18. The Permanent Forum believes that there are clear linkages between lands, territories and natural resources and the protection of traditional knowledge and traditional cultural expressions against misappropriation and misuse, and stresses the widely shared perspective that they cannot be discussed in isolation.

19. The Permanent Forum encourages analysis by States, the specialized agencies, academics, indigenous peoples and their organizations of the implementation of free, prior and informed consent principles and mechanisms regarding projects on indigenous lands and territories, and encourages them to submit such analyses to the Permanent Forum for consolidation and to identify good practices and barriers.

20. The Permanent Forum recommends that information be coordinated within State ministries and United Nations agencies that have responsibilities and mandates relating to indigenous peoples' access to lands, territories and natural resources.

21. The Permanent Forum recommends that all States Parties to International Labour Organization (ILO) Convention No. 169 implement it by training their leading public officials/civil servants to respect and fulfil its provisions. It is crucial that indigenous peoples be fully informed of the consequences of the use and exploitation of natural resources in their lands and territories through consultations, under the principle of free, prior and informed consent, with indigenous peoples concerned. Through free, prior and informed consent, future conflicts can be avoided and the full participation of indigenous peoples in consultation mechanisms, environmental impact assessments and sociocultural impact assessments can be ensured.

22. The Permanent Forum recommends that States take effective measures to halt land alienation in indigenous territories, for example, through a moratorium on the sale and registration of land, including the granting of land and other concessions in areas occupied by indigenous peoples, and also to assist indigenous communities, where appropriate, to register as legal entities.

23. The Permanent Forum recommends that States, in consultation with the indigenous peoples concerned, provide financial and technical assistance for indigenous peoples to map the boundaries of their communal lands, finalize legal and policy frameworks for the registration of collective titles, as a matter of urgency, and support indigenous peoples in preparing their claims for collective title.

24. The Permanent Forum notes the initiative of the International Organization for Migration (IOM) in providing legal and technical advice and implementation services in the area of property restitution and compensation to States and

indigenous peoples in situations where restitution and compensation programmes are implemented or where assistance is sought in undertaking such programmes, and also notes:

(a) The initiative of IOM in offering capacity-building services to States, including restitution and compensation strategies and policies, baseline studies to identify and assess needs, and in proposing appropriate solutions and the collection and registration of claims;

(b) The Permanent Forum notes the IOM initiative to provide public outreach and public information to indigenous communities on property restitution and compensation in countries where Governments have agreed to implement such plans.

25. The Permanent Forum instructs its secretariat to transmit recommendations on lands, territories and natural resources as a contribution to:

(a) The report of the Secretary-General to the sixteenth session of the Commission on Sustainable Development;

(b) An informational document to the sixteenth session of the Commission on Sustainable Development on the thematic issue of land and sustainable agricultural rural development;

(c) Transmit specific recommendations on water to the study of the United Nations High Commissioner for Human Rights on the right to water.

26. The Permanent Forum recommends that Governments, bilateral and multilateral donor and development agencies and other development partners responsible for or assisting in the implementation of sectoral strategies or other programmes affecting lands owned, occupied or otherwise used by indigenous peoples review the consistency of such strategies and programmes with internationally recognized standards for the protection of the rights of indigenous peoples and the impact of such strategies and programmes on indigenous communities and report to the Permanent Forum at its seventh session in 2008 on the results of these reviews and on any strategies adopted to address the challenges they might identify.

27. The Permanent Forum recommends that non-governmental organizations, indigenous peoples' organizations and academics undertake independent studies and investigations into the violations of indigenous peoples' land rights through illegal land expropriation and exploitation and into the issue of land, forestry, tourism and mining concessions, including:

(a) Recommendations on how the rights of indigenous peoples can be legally protected;

(b) The degree to which Governments ensure free, prior and informed consent of indigenous peoples in the approval of land concessions and mining exploration licences over their traditional lands and forests;

(c) The role of other States in the promotion of agri-business and extractive industries without the free, prior and informed consent of indigenous peoples;

(d) The role of multinational agri-business and extractive industries; specifically, whether corporate social responsibilities have been fulfilled and social

and environmental impact assessments have been undertaken prior to the commencement of development projects.

28. The Permanent Forum calls upon United Nations agencies, the World Bank, the Asian Development Bank, other multilateral financial institutions and bilateral donors to establish clear policy commitments to protect the ancestral lands of indigenous peoples.

29. The Permanent Forum urges the World Bank to work on a sustained basis with the Government of Cambodia to effectively implement the management action plan resulting from the inspection panel case for the "Forest concession management and control pilot project", which includes the termination of all existing logging concessions and the promotion of equitable and sustainable alternatives for forest management. The Permanent Forum welcomes the preparation by the World Bank, in coordination with the Democratic Republic of the Congo, of a management action plan to address the findings of the inspection panel concerning two forestry-related lending operations in that country.

30. The Permanent Forum affirms the fundamental importance of treaties, agreements and other constructive arrangements between States and indigenous peoples in recognizing and upholding indigenous peoples' rights to territories, lands and natural resources. The rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are cross-cutting and impact all six areas of the mandate of the Permanent Forum.

31. The Permanent Forum recommends that the Working Group on Access and Benefit Sharing of the Convention on Biological Diversity recognize the rights of indigenous peoples over the biological and genetic resources of their own territories.

32. The Permanent Forum appoints Mr. Michael Dodson, a member of the Forum, as a special rapporteur to prepare a draft guide, based on the relevant principles contained in the Declaration on the Rights of Indigenous Peoples, taking into account the provisions of ILO Convention No. 169 that relate to indigenous land tenure and management arrangements, to assist indigenous peoples, States and United Nations agencies in negotiating indigenous land tenure and management arrangements.

33. The Permanent Forum recommends that all States that have introduced changes to existing indigenous land management regimes invite the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to undertake a study of those regimes and assess them against the principles contained in the Declaration on the Rights of Indigenous Peoples.

34. The Permanent Forum welcomes the decision of the Inter-Agency Support Group on Indigenous Issues to hold, on an exceptional basis, a meeting to consider appropriate ways of promoting, disseminating and implementing the Declaration on the Rights of Indigenous Peoples, once it is adopted by the General Assembly.

35. The Permanent Forum welcomes the report of the Inter-Agency Support Group on Indigenous Issues on the special theme, "Territories, lands and natural resources",[7] including the identification of common elements and possible gaps in policies and practice. The paper includes useful information on how different bodies

[7] E/C.19/2007/2/Add.1.

have pursued the relevant provisions of the Declaration on the Rights of Indigenous Peoples, even in cases when they have not adopted a formal policy.

36. The Permanent Forum recommends that the Working Group on Indigenous Populations conclude, at its twenty-fifth session in 2007, under its standard-setting mandate, the development of the principle of free, prior and informed consent of indigenous peoples.

37. The Permanent Forum recommends that Governments of member States adopt in relevant national legislation the principle of free, prior and informed consent of indigenous peoples when involving their territories, lands and natural resources.

38. The Permanent Forum recommends that the Human Rights Council and the Committee on Economic, Social and Cultural Rights investigate the possibility of the development and acceptance of general recommendations relating to the right of indigenous peoples to self-determination by securing their access to their ancestral lands, territories and natural resources.

Indigenous peoples in voluntary isolation and initial contact

39. The Permanent Forum welcomes the initiative taken by indigenous peoples' organizations, States non-governmental organizations and OHCHR to improve the visibility of the situations faced by indigenous peoples in voluntary isolation and initial contact and recent efforts to respect and protect the rights of these peoples, particularly in the Amazon and Chaco regions of South America and the Andaman and Nicobar islands in India, including the Penan peoples of the forests of Sarawak in Malaysia. The Permanent Forum highlights, in particular, the Santa Cruz de la Sierra Appeal ("Llamamiento de Santa Cruz de la Sierra"),[8] which was the outcome of the regional seminar on indigenous peoples in voluntary isolation and in initial contact of the Amazon Basin and El Chaco held from 20 to 22 November 2006 in Santa Cruz de la Sierra, Bolivia, with the sponsorship of OHCHR, the Indigenous Work Group for Indigenous Affairs and the Confederacion Indigena del Oriente de Boliva, and with the support of the Government of Bolivia, and the partnership of Denmark, Norway and Spain. The Permanent Forum recommends that OHCHR, other international agencies and States, in partnership with indigenous peoples' organizations and non-governmental organizations, further replicate and follow up similar initiatives in order to achieve and consolidate sustained long-term policies, mechanisms and procedures that can assure the security and self-determined livelihoods of these peoples, including the guarantee of the inviolability of their territories and natural resources.

40. The Permanent Forum recommends that OHCHR conduct in 2007, in consultation with indigenous peoples' organizations, non-governmental organizations, experts, States and multilateral and bilateral agencies, the formulation of guidelines directed to all actors, both governmental and non-governmental, dealing with the respect and protection of the rights of indigenous peoples in voluntary isolation and initial contact.

41. The Permanent Forum, understanding that the solidarity and affirmative actions of indigenous peoples' organizations on this issue is a major achievement, welcomes the establishment of the International Committee for the Protection of

[8] E/C.19/2007/3/Add.2, annex.

Indigenous Peoples in Voluntary Isolation and Initial Contact in the Amazon and Chaco Regions and calls on States, civil society and cooperation agencies to support the work of the International Committee.

42. The Permanent Forum recommends that the World Health Organization (WHO), the Pan American Health Organization (PAHO), the United Nations Children's Fund (UNICEF), States, non-governmental organizations and indigenous peoples' organizations join efforts in implementing appropriate expert health-care actions to prevent disastrous disease problems affecting indigenous peoples in voluntary isolation and recent contact, and consider adopting rapid-effect emergency procedures in situations where the health situation is critical, as it is at present in the Javari Valley in Brazil.

Economic and social development

43. The Permanent Forum reiterates its concern that reports developed and presented by many States on the implementation of the Millennium Development Goals and poverty reduction strategy papers still do not adequately include and address indigenous peoples nor do they include their participation, and therefore calls on States to rectify this weakness and on United Nations agencies to support their efforts. While the Millennium Development Goals provide an important international framework for addressing extreme poverty and health and social outcomes, the Permanent Forum recommends that it is vital that further work be undertaken to ensure that the related programmes reflect full appreciation and respect for the rights and aspirations of indigenous peoples. This work should utilize the results of the workshops on indicators.[9]

44. The Permanent Forum urges the relevant Governments of States visited by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to implement the recommendations contained in his reports regarding mega-projects implemented using the territories, lands and natural resources of indigenous peoples.

45. The Permanent Forum welcomes the positive contributions of the members of the Inter-Agency Support Group on Indigenous Issues and urges them to continue implementing development projects and programmes in participation with indigenous peoples, where applicable. The Forum also requests that more case studies of good practices and lessons learned be presented at the sessions of the Forum, including information about less successful cases.

46. The Permanent Forum encourages national and international financial institutions to target indigenous peoples as beneficiaries of their micro-financing mechanisms and other relevant mechanisms, with the free, prior and informed consent of indigenous peoples.

47. The Permanent Forum expresses concern about the situation of indigenous men, who, in the development process, suffer losses in their traditional livelihoods in their family structures and their roles in the community, and face social challenges as a result, as shown by many social indices, and urges United Nations agencies to undertake a study on the changing role of indigenous men in the economic development process.

[9] http://www.un.org/esa/socdev/unpfii/en/data.html.

48. The Permanent Forum welcomes the initiative of the World Bank in compiling and analysing disaggregated data on indigenous peoples, poverty and human development in South-East Asia and Sub-Saharan Africa, and urges the World Bank to present the results of those studies to the seventh session of the Permanent Forum in 2008.

Environment

49. The Permanent Forum urges its secretariat, in cooperation with the secretariat of the Convention on Biological Diversity, to organize a side-event on the occasion of the fifth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing of the Convention on Biological Diversity, as an occasion for the co-chairs of the Working Group, States parties and other interested groups to consider the conclusions and recommendations contained in the report of the international expert group meeting, held from 17 to 19 January 2007, on the Convention on Biological Diversity's international regime on access and benefit-sharing and indigenous peoples' human rights.[10]

50. The Permanent Forum urges States parties to the Convention on Biological Diversity to seriously consider the recommendations of the above-mentioned international expert group meeting.

51. The Permanent Forum urges States to recognize indigenous peoples' customary laws on genetic resources and traditional knowledge and to consider the development of sui generis systems based on such customary laws, as appropriate, for the protection of traditional knowledge and access and benefit-sharing of genetic resources and associated traditional knowledge.

52. The Permanent Forum appoints Ms. Victoria Tauli-Corpuz and Mr. Aqquluk Lynge as its special rapporteurs to prepare a report on "Impact of climate change mitigation measures on the territories and lands of indigenous peoples", to be submitted to the next Conference of Parties of the United Nations Framework Convention on Climate Change, and to be considered at the seventh session of the Permanent Forum.

53. Recognizing the deep spiritual relationship indigenous peoples have with water, and the great respect they have for the natural laws governing the health and the sanctity of water, the Permanent Forum recommends that States review, with the direct participation of indigenous peoples, their laws on water regulation and the treaties, land claims and self-government agreements that they have entered into with indigenous peoples, taking into account the sanctity of water reflected in those agreements. It is further recommended that States present their reviews to the eighth session of the Permanent Forum in 2009, including in particular, information on the status of the implementation of laws and agreements with respect to water and indigenous peoples.

54. The Permanent Forum is requested to support the planning and development of a world indigenous forum on the right to water, including the cultural and spiritual dimensions of water and peace. Planning for the forum shall be carried out through appropriate United Nations agencies and bodies and indigenous peoples' organizations from all regions that have been working on water issues, including the

[10] E/C.19/2007/8.

United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Water Education, the World Water Assessment Programme and UNICEF.

55. The Permanent Forum applauds the historic decision of the United Nations Human Rights Council in recognizing the right to water as a human right, as well as its decision to initiate a study on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, to be submitted prior to the sixth session of the Council.[11] The Permanent Forum also calls upon the United Nations High Commissioner for Human Rights to present to the seventh session of the Permanent Forum the results of her study on the impact on the rights of indigenous peoples in terms of contamination, diversion, appropriation and privatization of water, which is sacred to indigenous peoples and is central to all life. Participants shared many examples of such impacts, which profoundly affect their peoples.

56. The Permanent Forum welcomes the invitation extended by the Russian Federation to hold a United Nations expert group meeting devoted to environmental and indigenous peoples' issues in Khabarovsk, Russian Federation, in August 2007, and invites other States to follow its good example.

57. The Permanent Forum takes note of the following reports:

(a) "Cultural indicators for food security, food sovereignty and sustainable development", from the second Global Consultation on the Right to Food, Food Security and Food Sovereignty for Indigenous Peoples, held in Bilwi, Puerto Cabezas, Nicaragua, from 7 to 9 September 2006;

(b) The Latin America and the Caribbean regional meeting on indicators, held in Bilwi, Puerto Cabezas, Nicaragua in September 2006;

(c) Meeting on indigenous peoples and indicators of well-being; Aboriginal Policy Research Conference, Ottawa, 22 and 23 March 2006;

(d) Asia Regional Workshop on Indicators Relevant for Indigenous Peoples, Convention on Biological Diversity and Millennium Development Goals, Mindoro Oriental, Philippines, November 2006;

(e) African Regional Expert Workshop on Indicators of Well-being and Indigenous Peoples, Nairobi, November 2006.

The Permanent Forum further recommends that United Nations agencies, Member States and indigenous peoples utilize these indicators and support further efforts to develop them and to test some of these indicators in some countries.

58. The Permanent Forum welcomes the invitation of the Multilateral Financial Institutions Working Group on Environment to exchange views on indigenous peoples and sustainable development at its next session in November 2007.

59. The Permanent Forum recognizes that the United Nations has declared 2010 the International Year of Biodiversity and that indigenous peoples, as custodians of the Earth's biodiversity, should be major players in actions planned for 2010. In that spirit, the Permanent Forum calls for close cooperation between the secretariat of the Convention on Biological Diversity and the Forum in promoting the

[11] A/HRC/2/9, decision 2/104.

International Year and in highlighting the role of indigenous peoples as custodians of biodiversity.

Health

60. Recalling the right to health of indigenous peoples and their dire health conditions, the Permanent Forum reiterates its call upon WHO to report to the Forum on strategies, programmes, projects and other initiatives launched by the organization to address the health problems of indigenous peoples and to put in place systems of indicators to monitor their progress.

61. The Permanent Forum calls upon all States to work with indigenous peoples to develop and implement right-to-health indicators, to utilize the findings in the report of the Special Rapporteur on the right to health and to set benchmarks and timelines to ensure that indigenous peoples' right to health is progressively realized, as required by the International Covenant on Economic, Social and Cultural Rights and in the Millennium Development Goals.

62. Reports received by the Permanent Forum indicate that United Nations agencies, notably UNICEF and the United Nations Population Fund (UNFPA), incorporate indigenous issues into their health programming at the country and regional levels and apply culturally sensitive approaches to health delivery. The Forum encourages those agencies to share their experience in health programming for indigenous peoples with other relevant United Nations agencies working in the field.

63. Given the rapid increase in diabetes among indigenous peoples, the Permanent Forum calls upon WHO to undertake a pilot study to assess its prevalence among selected indigenous peoples worldwide in the seven indigenous geo-cultural regions.[12]

64. Noting the widespread malnutrition among indigenous peoples, the Permanent Forum urges the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) to ensure that all interventions by those organizations aimed at reducing this problem in indigenous communities are based on assessments of the structural causes of the problem, including access to land and availability of natural resources. Moreover, methods of interventions should be sensitive to the social fabric and respectful of indigenous peoples' models of development.

65. Calling attention to the high rates of suicide among indigenous youth in some countries, the Permanent Forum reiterates its call for States and relevant national aboriginal health bodies to convene a meeting to assess the root causes of indigenous youth suicide and to formulate preventive strategies. The Forum reiterates its call on UNICEF and WHO to convene a meeting on youth suicide.

66. Notwithstanding the absence of birth registration for indigenous children and adolescents, the allocation of funds for their health and other social benefits should not be affected. Moreover, since the lack of civil documentation exposes indigenous peoples to abuse and violation of their rights, the Permanent Forum recommends that States, UNICEF, the Inter-American Development Bank and the United Nations

[12] Africa; Asia; Central and South America and the Caribbean; the Arctic; Eastern Europe, Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific.

Population Fund (UNFPA) support free and universal civil registration on the basis of free, prior and informed consent of indigenous peoples.

67. Drawing attention to the dramatic changes in the lifestyles of indigenous peoples and the ensuing deterioration of indigenous health due to malnutrition and obesity, including record high rates of diabetes and related illnesses such as hypertension, heart attacks, kidney failure and blindness, the Permanent Forum calls upon WHO, UNICEF, the United Nations Development Programme (UNDP), the World Bank, WFP and FAO to develop joint strategies to address the problem of diabetes and related non-communicable lifestyle illnesses. Given the alarming prevalence of diabetes among indigenous peoples, the Permanent Forum calls upon WHO and the Joint United Nations Programme on HIV/AIDS (UNAIDS) to establish a systematic working relationship with the Permanent Forum and the Inter-Agency Support Group to exchange experiences on health initiatives in the area of treatment and prevention of the illness, especially given their role in the implementation of the Millennium Development Goals.

68. Considering the bloody wars and grave conflicts that have afflicted a range of States in Africa during the last decade, the Permanent Forum recommends that United Nations agencies (IOM, the Office of the United Nations High Commissioner for Refugees (UNHCR), UNICEF, UNFPA, the United Nations Development Fund for Women (UNIFEM), UNDP and WHO) and African States urgently convene a general meeting on health in order to evaluate the negative effects of these conflicts on the health of indigenous peoples and to find appropriate solutions to address the issue.

Education

69. The Permanent Forum recommends that UNESCO, as the primary United Nations agency dealing with education, science and culture, implement and strengthen strategies based on recommendations from the Permanent Forum's six sessions, placing emphasis on the quality of education and taking into account the visions and pedagogies of indigenous peoples. This recommendation should be reflected in the contents and activities of the global plan of action and in the medium-term financial strategy 2007-2013.

70. The Permanent Forum recognizes that the role of boarding schools for indigenous children has attracted considerable international attention. In some countries, boarding schools have had a very negative, even tragic, impact on the families, cultures and identities of indigenous peoples. At the same time, in some regions of the world, boarding schools are considered an important step for the successful social integration and education of indigenous children into mainstream society. The situation is complex. The Permanent Forum therefore recommends that an expert member conduct an in-depth comprehensive and comparative case study on this subject, with a focus on best practices. Furthermore, where negative impacts have occurred, the Permanent Forum supports the call of indigenous peoples for formal apologies from the States concerned.

Culture

71. The Permanent Forum welcomes resolution 176 EX/59 of the UNESCO Executive Council relating to indigenous languages and encourages member States, experts and UNESCO to conduct a preliminary study on the technical and judicial

aspects of a possible international normative instrument for the protection of indigenous languages and languages under threat of extinction, including an analysis of the programmes UNESCO has carried out in this area, articulating linkages with the United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council in June 2006, to be submitted to the Executive Council of UNESCO at its 179th session.

72. Considering that 2008 is the International Year of Languages, the Permanent Forum recommends holding an expert group meeting on indigenous languages that will call upon States, the United Nations system and indigenous peoples and their organizations to consider the following elements:

(a) Working towards concrete actions and legislative development aimed at eliminating discrimination against the current use of indigenous languages;

(b) Developing programmes aimed at promoting the empowerment of indigenous languages through all mediums, including radio and television;

(c) Supporting and increasing the number of centres for the study of indigenous languages;

(d) Financing and supporting schemes for special projects that are formulated by indigenous peoples and are focused on revitalization and rescue of threatened languages;

(e) Designing, in consultation with indigenous peoples and the Permanent Forum, the organization of a world conference on linguistic diversity, indigenous languages, identity and education, as a contribution to the programme of the Second International Decade of the World's Indigenous People.

Human rights

73. The Permanent Forum reiterates the recommendation it made at its fifth session regarding the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, reiterates its conviction that the Declaration will be an instrument of great value through which to advance the rights and aspirations of indigenous peoples and strongly recommends that the General Assembly adopt the Declaration before the end of its sixty-first session, without amendment.

74. The Permanent Forum expresses concern at allegations brought to its attention on continuing violations of human rights of indigenous peoples in various parts of the world and calls upon all States to fully implement their obligations under the international human rights and humanitarian instruments. The Permanent Forum reiterates its call on States to recognize the rights of indigenous peoples constitutionally and legally, to strengthen their institutions for the promotion and protection of the human rights of indigenous peoples and to enhance efforts of awareness-raising and capacity-building for government officials.

75. The Permanent Forum is pleased to note that indigenous peoples and their organizations increasingly avail themselves of the human rights procedures of the Human Rights Council and the international human rights instruments, and the increasing visibility of indigenous peoples' issues within those mechanisms. In that regard, the Forum recommends that OHCHR continue to disseminate information and to conduct capacity-building activities on the United Nations human rights mechanisms for the promotion and protection of human rights.

76. The Permanent Forum recommends that the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism undertake a study on the implications of national security and anti-terrorist laws, policies and programmes for indigenous peoples and make recommendations on the human rights of indigenous peoples.

77. The Permanent Forum expresses its appreciation to Ms. Tauli-Corpuz for the paper she presented to the Forum, entitled, "Implementation of the human rights mandate of the Permanent Forum on Indigenous Issues" (E/C.19/2007/6), and decides to use its analysis and suggestions as an important reference guide in its future work.

78. Taking note of desk reviews conducted by the secretariat of the Permanent Forum on the Millennium Development Goals, country reports, reports of United Nations resident coordinators and common country assessments and United Nations Development Assistance Framework (UNDAF) papers, the Permanent Forum once again calls upon governmental and intergovernmental development agencies to implement the human rights-based approach to development that entails the full and effective participation of indigenous peoples and respect for the principle of free, prior and informed consent.

79. Recalling its 77 recommendations on indigenous women made during the course of its past sessions, the Permanent Forum expresses concern over the slow pace of implementation, expresses its appreciation to Ms. Lux de Coti and to the International Indigenous Women's Forum for the paper on this matter (E/C.19/2007/CRP.4) and decides to carefully examine it at its next session.

80. The Permanent Forum recommends that a task force be created within the Inter-Agency Support Group on Indigenous Issues to specifically address migration issues of indigenous peoples, as suggested in the 2006 Geneva workshop on this matter (E/C.19/2007/CRP.5).

Second International Decade of the World's Indigenous People

81. Reiterating the goals and the objectives of the Second International Decade of the World's Indigenous People, the Permanent Forum urges all States engaged in bilateral development collaboration with other States with indigenous peoples to develop culturally sensitive policies, strategies, programmes and projects, in collaboration with indigenous peoples as part of their overall policies for development collaboration.

82. The Permanent Forum calls upon States that have created special national committees on the Second International Decade of the World's Indigenous People to cooperate more effectively with it, and would welcome invitations to attend activities of such national committees. The Permanent Forum encourages those States that have not yet done so to establish national committees on the Second International Decade of the World's Indigenous People.

83. Recalling the statement in the Kari-oca Declaration of 1992 that "We, the Indigenous Peoples, walk to the future in the footprints of our ancestors", the Permanent Forum decides to adopt, as its long-term goal, a thorough analysis of how its mandate should be transformed to eventually lead to the inclusion of the ancestral visions of indigenous peoples in its work and allow indigenous peoples to finally take charge of their own destiny.

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

84. The Permanent Forum expresses its appreciation to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Rapporteur on violence against women, its causes and consequences for their presence and statements during the sixth session, and to the Special Rapporteur on trafficking in persons, especially women and children for the statement she transmitted.

85. The Forum decides to invite the Special Rapporteur on the human rights and fundamental freedoms of indigenous people and the Special Rapporteurs on the right to education and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to its seventh session.

86. The Permanent Forum welcomes the increased cooperation between itself and the Special Rapporteur on the human rights and fundamental freedoms of indigenous people and strongly recommends that the Human Rights Council maintain the mandate of the Special Rapporteur.

87. The Permanent Forum recommends that the Human Rights Council consider:

(a) The inclusion of an agenda item addressing the human rights of indigenous peoples in the ongoing work of the Council;

(b) Including the human rights of indigenous peoples as part of its universal periodic review;

(c) The inclusion of indigenous expertise in the new general expert advisory body being established by the Human Rights Council;

(d) The interventions submitted by an expert member of the Permanent Forum to the Human Rights Council and the working groups on the ongoing reforms of the human rights mechanisms;

(e) Maintaining and strengthening its expertise on indigenous peoples' human rights issues.

88. The Permanent Forum recommends that the Human Rights Council authorize at least one more session of the United Nations Working Group on Indigenous Populations so that it can review and, as needed, complete its important work.

89. The Permanent Forum recommends that the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism pay particular attention to the impact of national security laws and anti-terrorism laws on indigenous peoples.

90. The Permanent Forum recommends that the Committee on the Elimination of All Forms of Racial Discrimination and relevant special rapporteurs working in the field of human rights review the implementation of their recommendations and provide reports to the Permanent Forum at its seventh session regarding their interactions with relevant States and indigenous peoples and activate, with OHCHR, when necessary, United Nations inter-agency and inter-department early warning procedures and rapid response mechanisms.

91. The Permanent Forum recommends that the Human Rights Council include, where appropriate, the question of treaties, agreements and other constructive

arrangements pertaining to indigenous peoples when undertaking its universal periodic review of States members.

92. The Permanent Forum recommends that the Human Rights Council update and complete the United Nations study on treaties, agreements and other constructive arrangements between States and indigenous populations,[13] including the possible appointment of a rapporteur to carry out this task and to provide regular reports to the Human Rights Council, the Permanent Forum and other appropriate bodies.

93. The Permanent Forum recommends that the Human Rights Council consider the development of a framework for the implementation of article 37 of the United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council, to assess implementation of treaties, agreements and other constructive arrangements between States and indigenous peoples in all regions of the world.

94. The Permanent Forum notes the recommendation that the third seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples, as called for by the Commission on Human Rights, will take place in Waitangi, Aotearoa, New Zealand, in February 2008, and that OHCHR will organize the seminar in cooperation with the indigenous host communities, States, indigenous organizations and appropriate United Nations bodies.

95. The Permanent Forum recommends that relevant States with indigenous peoples invite the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples to undertake country visits. The Special Rapporteur should give priority to invitations from those countries where indigenous peoples have expressed concerns about their capacity to fully enjoy and freely exercise their human rights.

96. The Permanent Forum calls upon all States that have ratified the International Covenant on Economic, Social and Cultural Rights to develop, at national level, in partnership with indigenous peoples, benchmarks, timelines and indicators to measure progressive realization of indigenous human rights. Furthermore, the Permanent Forum supports the efforts to elaborate an optional protocol to allow for the submission of complaints under the International Covenant on Economic, Social and Cultural Rights.

Half-day discussion on Asia

97. Asia is the most diverse continent in the world. Two thirds of the world's indigenous peoples live in Asia, which is home to more than 2,000 civilizations and languages. Indigenous peoples in Asia are referred to as tribes, tribal peoples, hill tribes, ethnic or national minorities. Irrespective of their legal status or the different terminologies used for them, many indigenous peoples of Asia experience non-recognition of their cultural identity, exclusion and marginalization, displacement and relocation from their traditional territories, including protected areas, and dispossession of their lands and resources by State policies and programmes and by State and private corporations engaged in logging, large-scale plantations, mega hydroelectric dams and extractive industries. The panellists for the half-day session on Asia included the Special Rapporteur on the situation of human rights and

[13] E/CN.4/Sub2/1999/20.

fundamental freedoms of indigenous people, representatives of the Asian Development Bank, the International Fund for Agricultural Development (IFAD), UNFPA, ILO and the Asian Indigenous Peoples' Caucus.

98. The Permanent Forum recommends that Asian States:

(a) Adopt the United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council on 29 June 2006, before the end of the sixty-first session of the General Assembly;

(b) Recognize indigenous peoples constitutionally and legally as peoples, promote legal reform, in particular with regard to the recognition of indigenous peoples' collective land rights and their customary laws and institutions, which promote diversity and pluralism;

(c) Adopt laws regulating the activities of investors and mitigating the negative impact of economic liberalization on the territories of indigenous peoples;

(d) Have national laws in conformity with relevant international norms and standards;

(e) Establish land commissions or mechanisms that address violations of indigenous peoples' land rights, facilitate the restitution of alienated land and settle disputes;

(f) Establish full transparency regarding projects on indigenous territories by States and corporations, through the implementation of the principles of free, prior and informed consent, in accordance with customary laws and practices of the respective indigenous peoples;

(g) Abandon transmigration policies and programmes and prevent illegal migration to indigenous territories.

99. The Permanent Forum calls on the European Commission, United Nations agencies, the World Bank Group, the Asian Development Bank, bilateral development agencies, export credit agencies and international and regional financial institutions, such as the Japan Bank for International Cooperation, to review, strengthen and implement their policies with regard to indigenous peoples in general, and indigenous peoples in Asia in particular, and to use the United Nations Declaration on the Rights of Indigenous Peoples,[1] as a framework for reference.

100. The Permanent Forum recommends that national human rights institutions and commissions address indigenous peoples' issues and include indigenous experts as members of such bodies.

101. The Permanent Forum recommends that United Nations country teams in Asian countries with indigenous populations, in cooperation with indigenous peoples, formulate a matrix of indicators, benchmarks and milestones to assess the outcomes and results of their policies and programmes relevant to indigenous peoples. Furthermore, the Permanent Forum recommends that United Nations agencies and donor agencies expand their funding and technical assistance to support capacity-building of Asian indigenous peoples' organizations.

102. The Permanent Forum calls upon the member States of the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC) to recognize the collective rights of indigenous peoples, and

calls on ASEAN to ensure that the rights of indigenous peoples are integrated into the development process of the ASEAN charter.

103. The Permanent Forum denounces the extrajudicial killings of indigenous leaders and activists in several Asian States, as reported by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and the Special Rapporteur on extrajudicial, summary or arbitrary executions, and urges the concerned countries to investigate these reported cases and to provide redress to the relatives of the victims.

104. The Permanent Forum commends the establishment and achievements of the Regional Indigenous Peoples' Programme of UNDP in Asia, and calls on UNDP to ensure that the funding of that programme will be increased and that similar programmes will be set up in other regions.

105. The Permanent Forum calls on the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children to hold regional consultations with indigenous women in Asia, and requests that UNIFEM support such consultations.

106. The Permanent Forum fully supports plans by indigenous peoples' organizations and networks in Asia to undertake assessments of how peace agreements that affect them are being implemented in specific countries, and calls on donor agencies to support those initiatives.

Half-day discussion on urban indigenous peoples and migration

107. Global migration increasingly affects indigenous peoples, creating new problems and challenges for their cultures and livelihoods and, in some cases, offering opportunities for improving their living conditions.

108. The Permanent Forum notes with appreciation the work done by the United Nations Human Settlements Programme (UN-Habitat) and other United Nations organizations in this field, including the research initiatives that resulted in the publication, in 2006, of *Indigenous Peoples' Housing Rights: A Global Overview*.

109. The Permanent Forum also notes the International Expert Group Meeting on Urban Indigenous Peoples and Migration, held in Chile in March 2007, and expresses its appreciation to the Government of Canada for providing funding to the Economic Commission for Latin America and the Caribbean for hosting the event. It also recommends that States, United Nations and civil society organizations and other stakeholders contribute to the implementation of the recommendations contained in the above-mentioned publication.

110. The Permanent Forum urges other States to provide similar support and urges regional commissions to strengthen their focus on urban indigenous peoples and issues, in particular regarding the implementation of the recommendations contained in the 2006 publication.

111. The Permanent Forum requests that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people undertake a study on the rights of urban indigenous peoples and migration, paying particular attention to their ability to exercise and enjoy their economic and social rights, and that the study be considered at the eighth session of the Permanent Forum. The themes that

could be considered in the study include cultural identity, equitable access to essential services, the challenges facing indigenous youth and border issues.

112. The Permanent Forum urges States that have not yet done so to ratify the Convention of the Rights of Migrant Workers and Members of Their Families.

113. Considering the family separations caused by migration, and the psychological impact on men, children and women left behind, the Permanent Forum recommends that UNICEF:

(a) Conduct a comprehensive study on the effects of remittances and the psychosocial and cultural impact of migrations;

(b) Promote programmes to ensure continuity between countries of origin and destination in order to ensure continuity in indigenous children's relationships with their migrant parents and the protection of migrant children;

(c) Support programmes for the protection of the rights of men, children and women left behind.

114. The Permanent Forum urges UNICEF and UNIFEM to include urban and migrant indigenous women and their children in their relevant studies on violence against women.

115. The Permanent Forum recommends that relevant States, in cooperation with the indigenous peoples concerned, establish indigenous peoples' centres in urban areas to address their medical needs and provide legal and other forms of assistance.

116. The Permanent Forum recommends that relevant States recognize indigenous peoples' right to prior, free and informed consent and provide support mechanisms for involuntarily displaced indigenous peoples to be able to return to their original communities, including appropriate forms of repatriation, compensation and restitution and provision for the sustainable livelihoods of those peoples.

117. The Permanent Forum recommends that the Special Rapporteur on the human rights of migrants pay special attention to the vulnerability of urban and migrant indigenous persons.

118. The Permanent Forum recommends that States, in order to combat the adverse effects of migration, cooperate with indigenous peoples to provide employment and economic development opportunities within their territories.

Ongoing activities and themes (data collection and disaggregation of data on indigenous peoples)

119. The Permanent Forum welcomes the reports on the various regional, thematic and international workshops on indicators organized by indigenous peoples' organizations in collaboration with the secretariats of the Forum and the Convention on Biological Diversity. Appreciating that these workshops are the beginning of a long-term process, the Permanent Forum invites those organizations to continue building indigenous partnerships on indicators and to carry out the concrete activities identified in their reports, together with Governments, United Nations agencies and technical experts.

120. The Permanent Forum thanks the Agencia Española de Cooperación Internacional of the Government of Spain, the Royal Ministry of Foreign Affairs of

Norway, the Swedish International Biodiversity Programme and IFAD for their financial support for the regional, thematic and international seminars on indicators relevant to indigenous peoples, the Convention on Biological Diversity and the Millennium Development Goals, and urges other donors to contribute to this important work.

121. The Permanent Forum looks forward to the decisions of the ninth Conference of the Parties to the Convention on Biological Diversity on indicators and on the protection of traditional knowledge, innovations and practices and other related indicators in the strategic plan and biodiversity target for 2010.

122. The Permanent Forum calls on ILO to provide more information in the future on the status and trends in the practice of traditional occupations.

123. The Permanent Forum reiterates its call on States, indigenous organizations, United Nations agencies and academia to collaborate on national or subnational pilot projects on data disaggregation and collection, as recommended by the Asia regional workshop on indicators, and calls on the Statistics Division of the Department of Economic and Social Affairs of the United Nations Secretariat to support those efforts. Taking note of the need for guidelines to ensure the use of culturally sensitive, objective and survey instruments, the Permanent Forum invites universities and other technical experts to address this need.

124. Recalling the inter-agency support group report on data disaggregation, the Permanent Forum calls for the implementation of the following recommendations:

(a) The United Nations system should use and further refine existing indicators, such as the common country assessment indicators, Millennium Development Goal indicators, country progress reports, global monitoring instruments and human development indexes to measure the situation of indigenous and tribal peoples;

(b) The national human development reports, produced through nationally owned, editorially independent processes, should systematically include case studies and should include disaggregated data on indigenous and tribal peoples.

125. The Permanent Forum welcomes the Regional Initiative on Indigenous Peoples' Rights and Development of UNDP and, in particular, the pilot projects on gathering disaggregated data in the Philippines and Nepal. The Permanent Forum also recommends that the Regional Indigenous Peoples' Programme continue this work in other countries.

126. The Permanent Forum welcomes the proposal of the UNESCO Institute for Statistics, to collect information on best practices in adapting statistical inquiries to the needs of indigenous peoples. The Permanent Forum looks forward to the results of this project and invites the Institute to follow up on this work with the Forum through the Forum secretariat.

127. The Permanent Forum welcomes the activities carried out by the Economic Commission for Latin America and the Caribbean through its Centre for Latin American Demography — Population Division, in particular its adoption of a rights-based approach that considers indigenous peoples' individual and collective rights included in the 2006 edition of the Social Panorama. The Forum recommends that the Commission:

(a) Increase the number of sociodemographic studies of indigenous peoples, especially those addressing urbanization and migration and their effects on indigenous peoples;

(b) Continue to develop a system of sociodemographic indicators on the indigenous peoples of Latin America, in cooperation with the Fondo Indígena, indigenous peoples' organizations and United Nations agencies;

(c) Support production of information by countries on indigenous peoples with reference to access to, quality and cultural relevance of social services, guaranteeing the full participation of indigenous peoples in this process;

(d) Organize an expert group meeting to prepare operative recommendations to improve the identification of indigenous peoples in the upcoming 2010 round of censuses and other data sources, ensuring the full participation of indigenous peoples in this process;

(e) Produce technical studies and recommendations to States on human rights-based public policies on indigenous peoples in cooperation with the specialized agencies of the United Nations.

128. The Permanent Forum recommends that all States work in equal partnership with indigenous peoples to develop, implement and evaluate indicators on well-being that provide an overview of the social and economic status of indigenous peoples within a holistic, integrated framework. The Forum also recommends that States invest adequate resources, in accordance with their human rights obligations, to address the indigenous social and economic needs identified by the indicator framework.

129. The Permanent Forum recognizes and congratulates the International Indigenous ICT Task Force on the launch of the indigenous portal (http://www.indigenousportal.com) on 21 May 2007. The Task Force is an indigenous follow-up mechanism to the World Summit on the Information Society.

130. The Permanent Forum recommends that, prior to its seventh session, United Nations organizations should provide technical assistance and convene, in cooperation with indigenous peoples' organizations, regional workshops on the special theme of the seventh session, "Climate change, bio-cultural diversity and livelihoods: the stewardship of indigenous peoples and new challenges", with the participation of the members of the Forum and other experts, indigenous peoples' representatives, indigenous parliamentarians, State representatives and representatives of the United Nations system, in order to formulate recommendations for consideration, as part of its preparatory work for the seventh session. The Permanent Forum further recommends that States, organizations and donors provide resources for these regional workshops and that the report on the human rights situation of indigenous peoples in States and Territories threatened with extinction for environmental reasons[14] be included in the discussions held at the workshops.

131. The Permanent Forum recommends that the secretariat of the Convention on Biological Diversity facilitate the holding of an indigenous peoples' expert workshop on traditional knowledge in a timely manner in order to feed into the fifth

[14] E/CN.4/Sub.2/2005/28.

meeting of the Advisory Group on Article 8 (j) and Related Provisions and the fifth and sixth meetings of the Ad Hoc Open-Ended Working Group on Access and Benefit-sharing in order to support the elaboration by indigenous peoples of recommendations on an international regime on access and benefit-sharing. The meeting could be organized back-to-back with the meeting of the Inter-Agency Support Group on Indigenous Issues in order to take advantage of the presence of some United Nations agencies, which will be able to provide technical support and information.

132. The Permanent Forum decides to transmit the report of the expert group meeting to the Executive Secretary of the Convention on Biological Diversity as an informational document for the meetings of the Open-Ended Working Group on Access and Benefit-sharing and the Advisory Group on Article 8 (j) and Related Provisions, to be presented during the discussion of the relevant agenda item at those meetings.

133. The Permanent Forum calls upon the States parties to the Convention on Biological Diversity to continue to enhance participatory mechanisms by ensuring that the diverse regional views of indigenous peoples are reflected in discussions on the international regime on access and benefit-sharing. In particular, the parties are urged to ensure adequate representation of indigenous peoples from the seven indigenous geo-cultural regions[12] and subregional levels in the Working Group on Access and Benefit-sharing and to ensure that they are provided with opportunities to express diverse regional and subregional views.

134. The Permanent Forum, with the assistance of relevant member of the Inter-Agency Support Group, and in collaboration with indigenous experts, will conduct timely technical reviews at critical stages in the negotiations of international standards on the protection of traditional knowledge, such as the international regime on access and benefit-sharing and the deliberations of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO), to evaluate consistency and harmonization with existing and developing international legal instruments, standards and arrangements and, in particular, the human rights of indigenous peoples.

135. The Permanent Forum calls upon the secretariat of the Convention on Biological Diversity to work in partnership with other members of the Inter-Agency Support Group and donors to organize regional workshops for the purposes of information exchange and capacity-building among Governments, indigenous peoples and local communities and other stakeholders with regard to the proposed international regime on access and benefit-sharing. In addition, the secretariat is called upon to provide financial support for indigenous networks to disseminate information, in appropriate and accessible languages, and through appropriate media, to indigenous communities on this issue.

136. The Permanent Forum welcomes and encourages the continuation of the practice of submission of reports by the States, United Nations agencies and indigenous peoples' organizations on implementation of its recommendations, including analysis of their positive and negative work experience in the process of implementation.

137. The Permanent Forum welcomes the invitation from the Government of the Russian Federation, the Governor of Yamal-Nenets Autonomous Region, the public chamber of the Russian Federation and the Russian Association of Indigenous Peoples of the North, Siberia and the Far East (RAIPON) to hold an international meeting in the city of Salekhard, from 1 to 4 July 2007, dedicated to the study of experiences of interaction between indigenous peoples and the private sector, and expresses its appreciation for this invitation. The Permanent Forum also calls upon other States to follow the example of the Russian Federation.

138. The Permanent Forum welcomes the continuing preparation by its secretariat of the publication on the "*State of the World's Indigenous Peoples*".

139. The Permanent Forum decides to conduct a half-day discussion during its eighth session on the subject of "Countries of the Arctic region", with the broad participation of indigenous communities, regional administrations and institutions of local self-governance.

140. The Permanent Forum expresses its appreciation for the continuing presence and support of the members of the Inter-Agency Support Group at its annual sessions and intersessional meetings and for the valuable written contributions in the form of pre-sessional documentation. The Permanent Forum also expresses its appreciation to IFAD for convening and hosting the annual meeting of the Inter-Agency Support Group on Indigenous Issues in September 2006.

141. The Permanent Forum welcomes the participation at its sixth session of indigenous parliamentarians from, inter alia, Bolivia, Ecuador, Greenland, Mexico, Nepal, Nicaragua, Norway, Peru, the Russian Federation, Sweden, and encourages indigenous parliamentarians to continue participating at future sessions in their own capacity, with designated seating arrangements.

142. The Permanent Forum encourages indigenous parliamentarians to organize a global satellite conference of indigenous representatives with the objective of analysing as a whole the level of progress in the promotion, protection and exercise of the rights of indigenous peoples around the world within the framework of the seventh session of the Permanent Forum.

143. The Permanent Forum recognizes the role of indigenous parliamentarians in the promotion and protection of indigenous peoples' rights, and thus recommends increasing their participation in the sessions of the Permanent Forum, adopting regional and national mechanisms to monitor the recommendations and working towards the establishment of particular mechanisms of participation.

144. Noting that the current mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions of WIPO expires at the end of 2007, the Permanent Forum calls upon member States of WIPO to extend the mandate of that body.

145. The Permanent Forum expresses appreciation to Mr. Michael Dodson for his concept paper on traditional knowledge,[15] and recommends that the paper be widely circulated. The Permanent Forum invites States, United Nations agencies, non-governmental organizations and indigenous peoples and their organizations and academic institutions to submit written comments to the secretariat for consideration

[15] E/C.19/2007/10.

at the seventh session of the Permanent Forum. The Permanent Forum welcomes the support and notes that the recommendation in paragraph 24 of the report of the Special Rapporteur states that: "the Permanent Forum should commission a study ... to determine whether there ought to be a shift in the focus on the protection of indigenous traditional knowledge away from intellectual property law to protection via customary law ... The study should consider how indigenous traditional knowledge could be protected at an international level by utilizing customary law, including the extent to which customary law should be reflected, thereby providing guidance to States and, subsequently, protection at national and regional levels".[16] The Permanent Forum would particularly welcome written submissions addressing the above recommendation. The Permanent Forum re-appoints Mr. Dodson as Special Rapporteur to present a follow-up study on indigenous traditional knowledge, taking into account the written submissions, and to present the report to the seventh session of the Permanent Forum in 2008.

146. The Permanent Forum expresses appreciation to all States, United Nations agencies and foundations that contributed to the Trust Fund on Indigenous Issues, including contributions for the small grants programme for the Second International Decade of the World's Indigenous People and the Voluntary Fund for Indigenous Populations, and invites States, agencies and foundations to continue contributing generously to the Funds. The Forum urges the Voluntary Fund on Indigenous Populations to give particular support to applications from indigenous peoples from the Pacific to participate in its seventh session in 2008. The Permanent Forum encourages representatives of indigenous peoples' organizations from the Pacific to make applications to the Fund in order to the attend the seventh session of the Permanent Forum.

147. The Permanent Forum expresses appreciation to Mr. Parshuram Tamang and Mr. Yuri Boichenko for their draft questionnaire for United Nations agencies and requests the secretariat of the Permanent Forum to use the questionnaire in seeking information from agencies for its future sessions. The Permanent Forum also supports requests from States that they receive a similar questionnaire and requests the secretariat to carry through this request, in consultation with members of the Permanent Forum.

148. In view of the need to actively promote implementation of its recommendations, the Permanent Forum decides to consider, at its seventh session in 2008, the advisability of alternating its sessions between one year of policy recommendations and one year of monitoring recommendations.

149. The Permanent Forum reiterates the recommendation of its fourth and fifth sessions that the Department of Peacekeeping Operations of the United Nations Secretariat establish a policy on indigenous peoples, in consultation with indigenous peoples.

150. The Permanent Forum recognizes that it is important that the Human Rights Council continues to effectively address indigenous peoples' issues as human rights issues. The Permanent Forum decides to appoint Ms. Ida Nicolaisen and Mr. Wilton Littlechild to undertake a study on the structures, procedures and mechanisms that presently exist and that might be established to effectively address the human rights situation of indigenous peoples, to arrange for indigenous

[16] Ibid., para. 24.

representation and inclusion in such structures, procedures and mechanisms and to submit a report on the subject to the Permanent Forum by 31 December 2007.

151. The Permanent Forum notes the plan for a second international border security summit in North America to focus on the human rights of indigenous peoples divided by the international borders. The Permanent Forum reiterates that the problems exist in many other parts of the world and recognizes the importance of this issue to other indigenous peoples.

152. The Permanent Forum expresses its deepest concern that one of its members, Mr. Yuri Boichenko, was denied a timely visa by the authorities of the United States of America and that, for that reason, he was unable to carry out his functions for the first half of the sixth session of the Permanent Forum in New York. The Permanent Forum reiterates its deep concern that some indigenous peoples' delegates have been unable to obtain visas to participate in the regular sessions of the Permanent Forum. The Permanent Forum recommends the Government of the United States take effective steps to streamline processes of visa applications in order to facilitate the timely issue of visas to those indigenous peoples' delegates wishing to participate in the sessions of the Permanent Forum.

153. The Permanent Forum reiterates it calls on States to provide funds for indigenous youth for language training courses to enable their full and effective participation in United Nations meetings.

154. The Permanent Forum intends to develop a working practice for its next session that will engage the Youth Caucus more actively in its work.

155. The Permanent Forum welcomes the parallel side event on "Indigenous peoples and communication for development", organized by FAO and the secretariat of the Permanent Forum, in conjunction with the World Congress on Communications for Development, which was held in Rome in October 2006, and the Second International Summit on Communications for Development and Indigenous Peoples, which was held in Bolivia on 24 and 25 April 2007. The Permanent Forum endorses the elaboration of a "Platform of action on indigenous peoples communications for development" by indigenous participants in the above process.

156. The Permanent Forum recommends that OHCHR duly reflect on its strategic management plan for 2008/09 and on its activities to mainstream indigenous issues at the field level, inter alia, in connection with Action 2.

Chapter II

Venue, dates and proceedings of the sixth session

157. By its decision 2006/271 of 15 December 2006, the Economic and Social Council decided that the sixth session of the Permanent Forum would be held at United Nations Headquarters from 14 to 25 May 2007.

158. At its 1st to 5th meetings, from 14 to 16 May 2007, the Permanent Forum considered agenda item 3, Special theme: "Territories, lands and natural resources". At its 16th and 17th meetings, on 25 May, the Forum considered and adopted its recommendations submitted under agenda item 3 (see chap. I, sect. B).

159. At its 6th to 8th meetings, held on 17 and 18 May, the Permanent Forum considered agenda item 4, Implementation of recommendations on the six mandated areas of the Forum and on the Millennium Development Goals, and sub-items (a) through (f):

(a) Economic and social development;

(b) Environment;

(c) Health;

(d) Education;

(e) Culture;

(f) Human rights.

The Permanent Forum considered and adopted, as orally amended, its recommendations submitted under agenda item 4 and sub-items (a) to (f) at its 16th and 17th meetings, on 25 May (see chap. I, sect. B).

160. At its 8th and 9th meetings, on 18 May, the Permanent Forum considered agenda item 5, Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. At its 16th and 17th meetings, on 25 May, the Forum considered and adopted, as orally amended, its recommendations submitted under agenda item 5 (see chap. I, sect. B).

161. At its 10th meeting, on 21 May, the Permanent Forum considered agenda item 6, Half-day discussion on Asia. At its 16th and 17th meetings, on 25 May, the Forum considered and adopted, as orally amended, its recommendations submitted under agenda item 6 (see chap. I, sect. B).

162. At its 11th meeting, on 21 May, the Permanent Forum considered agenda item 7, Half-day discussion on urban indigenous peoples and migration. At its 16th and 17th meetings, on 25 May, the Forum considered and adopted, as orally amended, its recommendations submitted under agenda item 7 (see chap. I, sect. B).

163. At its 12th meeting, on 22 May, the Permanent Forum considered agenda item 8, Ongoing priorities and themes and follow-up: data collection and disaggregation (2004) and agenda item 4 (g), Second International Decade of the World's Indigenous People. At its 16th and 17th meetings, on 25 May, the Forum considered and adopted its recommendations, as orally amended, submitted under agenda items 8 and 4 (g) (see chap. I, sect. B).

164. At its 13th and 14th meetings, on 23 and 24 May, the Permanent Forum considered agenda item 9, Future work of the Forum, including emerging issues. At its 16th and 17th meetings, on 25 May, the Forum considered and adopted its draft decisions and recommendations submitted, as orally amended, under agenda item 9 (see chap. I, sect. A, draft decisions I and II, and sect. B).

165. At its 14th and 15th meetings, on 24 May, the Permanent Forum considered agenda item 10, Provisional agenda for the seventh session of the Forum. At its 17th meeting, on 25 May, the Forum considered and adopted, as orally amended, its draft decision submitted under agenda item 10 (see chap. I, sect. A, draft decision III).

Chapter III

Adoption of the report of the Permanent Forum on its sixth session

166. At its 16th and 17th meetings, on 25 May, the Rapporteur introduced the draft decisions and recommendations as well as the draft report of the Permanent Forum on its sixth session.

167. At its 17th meeting, on 25 May, the Permanent Forum adopted the draft report, as orally amended.

Chapter IV
Organization of the session

A. Opening and duration of the session

168. The Permanent Forum held its sixth session at United Nations Headquarters from 14 to 25 May 2007. It held 17 formal meetings to consider items on the agenda and five informal meetings for consultations among members of the Forum.

169. At its 1st meeting, on 14 May, the sixth session was opened by the Under-Secretary-General for Economic and Social Affairs and Coordinator of the Second International Decade of the World's Indigenous People. At the opening ceremony, Clint Shenandoah, Chief of the Onondaga Nation, United States of America, offered words of blessing to the session.

170. At the same meeting, statements were made by the President of the General Assembly, the President of the Economic and Social Council, the President of the Human Rights Council and the Under-Secretary-General for Economic and Social Affairs and Coordinator of the Second International Decade of the World's Indigenous People.

171. Also at the 1st meeting, a statement was made by Victoria Tauli-Corpuz, Chairperson of the sixth session of the Forum.

B. Attendance

172. Members of the Forum and representatives of Governments, United Nations entities, intergovernmental organizations and bodies and non-governmental and indigenous organizations attended the session. The list of participants is contained in E/C.19/2007/INF/2.

C. Election of officers

173. At its 1st meeting, on 14 May, the Forum elected the following members of the Bureau by acclamation:

Chairperson:
Victoria Tauli-Corpuz

Vice-Chairpersons:
William Ralph Joey Langeveldt
Otilia Lux de Coti
Aqqaluk Lynge
Ida Nicolaisen

Rapporteur:
Michael Dodson

D. Agenda

174. At its 1st meeting, on 14 May, the Forum adopted the provisional agenda as contained in document E/C.19/2007/1.

E. Documentation

175. A list of the documents before the Forum at its sixth session is contained in document E/C.19/2007/INF/1/Rev.1.

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